THE HON'BLE SRI JUSTICE D.S.R.VARMA

Writ Petition No.24126 of 1995

Dated: 08th August, 2006

Between:

K.Prabhakar Reddy, S/o.K.Krishna Reddy,
Aged 60 years, r/o.Chittoor

... Petitioner

and

1. The Commissioner and Director of Sugar,
   Government of A.P., Nampally, Hyderabad
   and two others

... Respondents

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Writ Petition No.24126 of 1995

Oral Order:

Heard.

2. The whole question involved in this writ petition is as to whether the petitioner can continue in service after 60 years as per the byelaws of the Society?

3. This aspect has been settled by a Full Bench of this Court in ***ETIKOPPAKA CO-OP. AGRICULTURAL & INDUSTRIAL SOCIETY LTD. v. K.SANYASI***,[1] wherein it was held that the employees of the Cooperative Societies are entitled to continue in service only up to 58 years.

4. But, in the present case, the petitioner was continued in service nearly up to 60 years. But, his retiral benefits have not been settled so far. It is to be seen that now, the petitioner is aged about more than 70 years. Therefore, it is rather hard for this Court to direct recovery of the amounts already paid to the petitioner towards salary. In this regard, it is to be seen that the salary was paid to the petitioner for the services rendered by him. Of course, permitting the petitioner to serve beyond 58 years is irregular.

5. Therefore, I feel it inexpedient to permit the respondents to recover the amounts paid to the petitioner towards salary beyond the age of 58 years only on account of consideration of the equities.

6. However, the other retiral benefits have to be settled in accordance with law treating the petitioner as an employee retired after 58 years.

7. Accordingly, this Writ Petition is disposed of with the above directions. No costs.

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D.S.R.VARMA, J

08th August, 2006.

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[1] 2004 (6) ALD 316 (FB)